



# Illinois Ethics Matters

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*Honesty, Integrity, Service*

*A newsletter from the Office of Executive Inspector General for the Agencies  
of the Illinois Governor*

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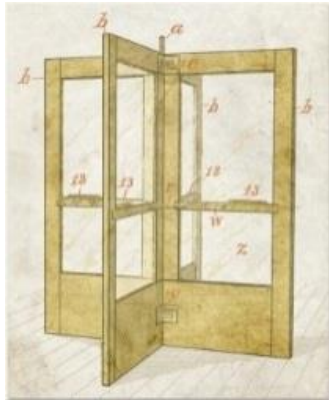
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## Revolving Door Primer



The “revolving door” provisions of the State Officials and Employees Ethics Act (5 ILCS 430/5-45) are intended to prevent the misuse of State employment for personal gain. The consequences of violating the statute can be severe, *i.e.*, up to three times the annual salary that would have been earned in the non-State position. Moreover, *all* State employees are covered by the revolving door prohibition; *any* State employee or appointee who participates “personally and substantially” in awarding a State contract or in making a regulatory/licensing decision may be restricted in their choice of a future employer for one year after they leave State employment.

**What does it mean to be on the “C-List?”** The C-List is a small subset of State employees who are required to seek a determination from the Office of Executive Inspector General (OEIG) regarding whether an offer of non-State employment may be accepted. All other State employees (with a narrow exception noted below) may seek, but are not required to seek, a determination from the OEIG. C-List positions are identified by each agency pursuant to Section 5-45(c) of the revolving door statute (hence the term C-List) as positions that “may have the authority to participate personally and substantially in the award of State contracts or in regulatory or licensing decisions.”

The Office of the Governor is in the process of launching an electronic database by which ethics officers of the Governor’s agencies may update, maintain and monitor the C-List. An agency’s C-List should be maintained on a continuing basis throughout the year. Employees and appointees should be added and notified as they are hired, promoted or transferred into positions that qualify for the C-List. Employees who are on the C-List should receive notification from their agency, along with instructions on what to do upon leaving State employment.

**What does “personally and substantially” mean?** The Ethics Act does not define what it means to participate “personally and substantially” in a contract, regulatory or licensing decision. Based on federal law, the OEIG has interpreted the phrase to mean that one can participate personally and substantially in a decision even if he or she is not the sole or final decision-maker. The OEIG considers several factors in determining whether a person was personally and substantially involved in a decision. [See the OEIG website for more information.](#) The essential determination is whether the person had the ability to influence the ultimate decision at issue.

**What does it mean to be on the “H-List?”** Section 5-45(h) of the revolving door statute identifies an even smaller subset of high-level State employees and officials who are subject to especially narrow restrictions. Persons governed by subsection (h) are said to be on the “H-List” and are not required to seek a determination from the OEIG. But, they are broadly restricted from accepting non-State employment with entities who are parties to State contracts involving the H-List’s agency or who are subject to regulatory/licensing decisions involving the H-List’s agency, regardless of any personal or substantial participation in contract awards or regulatory/licensing decisions.

Questions about the Office of the Governor’s C-List database may be directed to the Governor’s Chief Compliance Officer and Deputy General Counsel, Georgia Man. Questions about OEIG procedures may be directed to the OEIG.